

MAY 28 2008

ROBERT H. HARDWELL, CLERK
BY [Signature] DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

WILLIE BROWN
LA. DOC #111065
VS.

MYRTLE HARDWELL, et al.

CIVIL ACTION NO. 07-1787

SECTION P

JUDGE DRELL
MAGISTRATE JUDGE KIRK

REPORT AND RECOMMENDATION

Before the court is Willie Brown's *pro se* civil rights complaint (42 U.S.C. §1983) filed *in forma pauperis* on October 25, 2007. Brown, an inmate in the custody of the Louisiana Department of Public Safety and Corrections, is incarcerated at the Winn Correctional Center, Winnfield, Louisiana; he complains that he was denied proper mental health treatment. On December 10, 2007, Brown was ordered to amend his complaint on or before January 14, 2008. [rec. doc. 4] On March 5, 2008, the undersigned recommended dismissal of plaintiff's complaint pursuant to FRCP Rule 41 because he failed to amend as directed. [rec. doc. 5] On March 17, 2008 plaintiff objected to the Report and Recommendation alleging that he did not receive the amend order. [rec. doc. 6] On March 26, 2008, the Court directed the undersigned to reissue the amend order. [rec. doc. 7] On March 28, 2008, the undersigned reissued the amend order and directed plaintiff to amend his complaint by April 30, 2008. Plaintiff has not complied with that order. Accordingly,

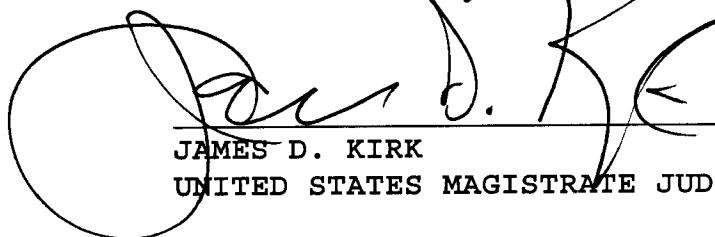
IT IS AGAIN RECOMMENDED that petitioner's civil rights

complaint (42 U.S.C. §1983) be **DISMISSED** in accordance with the provisions of FRCP Rule 41(b).

Under the provisions of 28 U.S.C. Section 636(b)(1)(C) and Rule 72(b), parties aggrieved by this recommendation have ten (10) business days from service of this report and recommendation to file specific, written objections with the Clerk of Court. A party may respond to another party's objections within ten (10) days after being served with a copy of any objections or response to the District Judge at the time of filing.

Failure to file written objections to the proposed factual findings and/or the proposed legal conclusions reflected in this Report and Recommendation within ten (10) days following the date of its service, or within the time frame authorized by Fed.R.Civ.P. 6(b), shall bar an aggrieved party from attacking either the factual findings or the legal conclusions accepted by the District Court, except upon grounds of plain error. See, Douglass v. United Services Automobile Association, 79 F.3d 1415 (5th Cir. 1996).

In Chambers, Alexandria, Louisiana, May 7 2006,
2006.


JAMES D. KIRK
UNITED STATES MAGISTRATE JUDGE